

MAINE STATE LEGISLATURE

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SEN. MARY E. SMALL
SEN. PAUL T. DAVIS, SR.
SEN. SHARON ANGLIN TREAT
REP. PATRICK COLWELL
REP. JOSEPH BRUNO
REP. WILLIAM S. NORBERT
REP. WILLIAM J. SCHNEIDER

120th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

JAMES A. CLAIR
EXECUTIVE DIRECTOR

MEETING SUMMARY
MAY 10, 2001
APPROVED JUNE 27, 2001

CALL TO ORDER

The Chair, Speaker Michael V. Saxl, called the Council meeting to order at 1:22 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators:

Sen. Daggett, Sen. Treat
Absent: Sen. Davis, Sen. Small, Sen. Bennett

Representatives:

Speaker Saxl, Rep. Colwell, Rep. Bruno, Rep. Norbert,
Rep. Schneider

Legislative Officers:

Joy O'Brien, Secretary of the Senate
Pamela Cahill, Assistant Secretary of the Senate
Millicent MacFarland, Clerk of the House
David Shiah, Assistant Clerk of the House
James A. Clair, Executive Director, Legislative Council
Grant Pennoyer, Director, Office of Fiscal and Program Review
David Boulter, Director, Office of Policy and Legal Analysis
Margaret Matheson, Revisor of Statutes
Lynn Randall, State Law Librarian
Paul Mayotte, Director, Legislative Information Services

Speaker Saxl took up New Business because Commissioner Waldron was at the meeting and wished to discuss with the Legislative Council members their interest in proceeding with leaving the State's Wide Area Network.

NEW BUSINESS

Item #1: Proceeding with Legislative Internet Access

Speaker Saxl asked Mr. Clair to present Item #1. Mr. Clair said the Technology Committee had reviewed the information prepared from the meeting of Paul Mayotte, Commissioner Waldron, staff from the Bureau of Information Services and himself to discuss 3 options for how the Legislature accessed the Wide Area Network and internet services. One option was to continue as presently done, but with a reduced rate. Commissioner Waldron said there might be an opportunity for a lower monthly access charge. Second the Technology Committee discussed with Commissioner Waldron and Mr. Hinkley the possibility of having a modified version of breaking away completely. Third, the Legislature would still have limited access to the Wide Area Network for some key items, the fiscal and administrative tools, (examples: the data warehouse, MFASIS, etc.) There were pros and cons for each of the approaches. Options #2 and #3 made financial sense because the costs to the Legislature would be reduced. Mr. Clair said Commissioner Waldron would present a prospective that the aggregate cost for information services system-wide are relatively fixed, and they would need to spread their costs among the remaining users.

Speaker Saxl invited Commissioner Waldron to address the Legislative Council. Commissioner Waldron introduced Dick Hinkley, the Director of Bureau of Information Services. She said they had an excellent working relationship between shops and appreciated the work and cooperation received from Mr. Mayotte. Whatever the Council chose to do, they would support and help however they could to make it work the best it possibly could. If the decision was made to have your own network, she said, from their perspective, believed it would cost the Legislature more and as it moved more into remote access, would cost even more, when Legislators had laptops, it would be an incremental amount for the enterprise as a whole. What was being purposed, as a separate network was an additional amount, did not see it as a cost savings. They also argued the functionality would change for the Legislature because they believed the present service was comparable, they could make any accommodations on the network that the Legislature needs. There were disadvantages, and problems that would have to be worked on collectively in terms of access and transmission of information, which the Commissioner did not have the answers to yet. An example given was how the Legislature would get the budget system information if on its own network. It could be done; it would be a matter of getting the systems in place so the information could be transmitted. Information was given on what the Legislature gets for the rate paid on the Wide Area Network. It is not just an ISP service, it connects to the MFASIS, budget, data warehouse systems, the State's intranet services, and the email global system. The Bureau of Information Services is a 7 day, 24-hour operation, has security and firewall management, remote access, network monitoring and management on an ongoing basis, technical consulting and services associated with the network. The network is priced distance insensitive, and set up to recover costs, it was set up with an internal service fund. Should the Legislature decide to have its own separate network, BIS had two options in terms of facilitating that. The Commissioner turned it over to Mr. Hinkley for his technical expertise.

Mr. Hinkley had discussed in general 2 options with Mr. Mayotte and Mr. Scott Clark. Option 1 would create two separate networks and interconnect them by using the internet itself. The cons with Option 1, are the connectivity and performance are not enjoyed. The second option, which he believed they were leaning toward, would be to interconnect the two networks. They still would be foreign networks, but would more directly connect them and each would enjoy their respective security, firewalls, etc. The particulars would have to be worked out, there is not a business or technology plan that he was aware of with that scoped out, all of the elements that would be involved, but these above are basically the two options being considered.

Commissioner Waldron said there were not any savings on their side, their costs were. They had to run the network regardless, and the number of devices on the network. The rates are priced so the larger number of devices, the lower the rate. There were not any savings to BIS, there was nothing they needed to change. There will be cost to them and the Legislature, if the Legislature separates. Commissioner Waldron then asked Mr. Hinkley to explain the functional differences.

Mr. Hinkley explained what was included in the packet as being a part of the Wide Area Network, the email directory access, which means separate email directories would be maintained and would not be able to use the address list that is currently used, and vice-versa. Second, the remote access piece is built into the rate, so if an agency dials into the State servers, it is part of the rate already paid for, that would be an added cost that the Legislature would have to pick up to have that service added.

Commissioner Waldron said the first run through actually shows a higher savings in the first 2 years and then shows a cost that essentially nets out the 2 years if the Legislature had its own network. That savings was reduced because it was not included was the cost for the InforME connection the Legislature would also have to maintain. One of the points of difference between the numbers are the cost of labor, which to BIS was not an unusually big argument, but do see the cost of staff operations and believe the cost of the labor should be included in the total cost, it was in their total cost and in order to have an exact comparison, had included it as a cost item for the Legislature and used numbers that Mr. Mayotte had benchmarked in terms of some cost items.

Looking at a reduced rate, as Mr. Clair indicated, they do have some Executive branch functions that she believed could be removed from the rate. In particular, the CIO, the reorganization had just been completed, and if the cost of that was removed as an Executive Branch cost, they could provide the Legislature with a reduced rate she believed would be acceptable to the Federal Government, because they had to have equity in the rates that all funds are charged. Commissioner Waldron believed legally there was a differentiation that would show, if using a reduced rate of \$30.25 a month as opposed to the \$34.75 a month, it changed the cost. She said BIS wanted to help the Legislature and if the Legislature wanted its own network, be happy to help achieve that. They wanted to support the Legislative Council's decision.

Rep. Colwell received complaints about the number of hours the system was down, and asked why that was and what was being done to address it. Commissioner Waldron said the availability percentage of the network was greater than 98%. The numbers change on a building-by-building, agency by agency basis, depending upon what was happening within the building or facility. BIS did not have those statistics, it would have to be on a case-by-case basis to figure out what the problem may have been.

Speaker Saxl asked the time line for making a decision regarding migrating off the State's system and Mr. Clair said there technically was no deadline, the Legislature

paid a monthly rate, but would like to have a certain amount of lead time for implementation. He had mentioned to Commissioner Waldron that they believed there was a savings that is irrefutable. The rest becomes an internal issue about when the Legislature wants the service up and running. Assuming that was what is wanted, they would need a certain amount of lead time to get everything up and running. Mr. Clair and Mr. Mayotte had not talked about what amount of time would be needed. For the purposes of the meeting today, Speaker Saxl said while many members may be ready to make a change dealing with the network for the Legislature, there was no urgency.

Rep. Norbert asked if the server was down in this building, the numbers might not reflect the percentage building by building? Mr. Hinkley said they deliver a service up to a building or agency and what happens within that building may affect what you see. Rep. Norbert also commented that the Technology Committee was excited about establishing independent access for the speed. Commissioner Waldron asked Mr. Hinkley to address the speed issue because it was a function of what one was securing for service. He said it depended on your work, and if you sized your pipeline too small there would be a decrease in response time. They sized the aggregate band by all users of WAN and graduate it according to use.

Rep. Bruno was interested in the reduction of cost the Bureau of Administrative and Financial Services was offering of \$4.00 a month. Would that amount be applied statewide or was it only for the Legislature, and if so, why? Commissioner Waldron said it was just for the Legislature because they were backing out costs associated with designating the Chief Information Officer, as representative of the Executive Branch. The Appropriations Committee saw that it was very important that the State have a Chief Information Officer. To that end, they were very clear in the language that that person represented the Executive, not the State as a whole. They could not cross branches of government, so the cost was pulled out of the rate and she felt it a legitimate cost that could be distinguished as a cost of the Executive and not a cost to the Legislature. She could not make that same differentiation for other agencies. The question had been raised that if the Legislature had its own network, everyone else would want their own, and the Appropriations Committee was concerned they got the economies of a single, unified internal technology system. The more people that go off, the higher the cost for everyone. It was asked if the savings would be approximately \$35,000 for the first year, and \$66,000 the 2nd. Mr. Clair said in the 3 options, option 1 was a reduction of about \$12,600 a year over what is presently built into the budget due to the \$4.00 per month rate reduction. Option 2 are the numbers Rep. Colwell just cited, \$35,000 the first year, \$67,000 the second. Option 3 we are building in specifically the former network access needs from the Executive Branch for data warehouse, budget system, etc. For the purpose of the budget Rep Colwell asked what the Legislature was looking at under option 2, \$66,000? They believed for the biennium, assuming this happened soon, there would be about \$110,000 savings to what the Legislature had already budgeted.

Sen. Treat believed the recommendation of the staff would be to go with option 3. When discussed at the Technology Committee, they were looking at a separate network, but maintaining some connection with the State system so there was access to the data, and believed Option 3 to be consistent with the direction the Technology Committee was going. They had spent a lot of time and she would be willing to make a motion, if appropriate. She believed Option 3 had less of an initial savings, but maintained the connection with BIS. The Bureau would like to have some connection to the Legislature and it also serves our purposes for being able to continue to get the data for the budget in the MFASIS system, but also gives the flexibility to have our own network.

Rep. Colwell said although it is important that the Legislative Council move quickly, Speaker Saxl, who left the meeting, had requested that a vote not be taken on the above issue at today's meeting. He thanked the Commissioner and Mr. Hinkley for their presentation.

No Council action taken.

REPORTS FROM COUNCIL COMMITTEES

None.

OLD BUSINESS

Item #1: Review of 2002-2003 "Part II" Legislative Budget Requests

Mr. Clair was recognized, who referred to the handout before the members. He said that at the May 7, 2001 the Legislative Council had voted 8-2 to accept the Technology "Priority A" list costing \$2.5 million in the 2002-2003 biennium. Mr. Clair also believed a decision was made to drop the "B" items because they had not been supported by the Technology Committee. These included the Legislative Information Services' request for 3 reception positions for 2 kiosks, 1 in the State House, and 1 on the 2nd floor of the CSOB. Rep. Norbert asked Mr. Clair to clarify the position request, the projection of when the position would take effect and if the requested amount was \$127,000. Mr. Clair said the issue was to make sure there was sufficient coverage at the kiosks with vacation time, etc., the positions would take effect July 1st, and the amount requested was \$127,000. Sen. Treat asked if it would be the same people who staffed the citizen access area for information, and believed that area to be more important than the kiosks. Mr. Clair said how the public access center was to be used was still undecided and a pending issue before the Space Committee, but the requested positions were just for the kiosks. Sen. Treat did not believe someone needed to be at the kiosks all summer and fall when the Legislature was not in session. There are not be a lot of hearings in the CSOB during in the interim, and the positions being requested are year round. If the decision was to have positions, she believed they should be session only, 3 full time positions was excessive. Capitol Security had been sitting at the kiosk, if that was part of their job, the need would be only for someone fill in part of the time. Rep. Colwell had envisioned the positions as year round because of the interest in developing the Capitol for tourism. It was Mr. Clair's understanding, to the extent it was explained, that the kiosks would be co-staffed by someone from the Legislature, perhaps the Legislative Information Office, and someone from Capital Security, each kiosk was designed for 2 people to be there. When Rose Breton and he reviewed the budget they could not find where the Legislative Information Office, especially during the session, had the people to be at the kiosks. Sen. Treat believed it would be helpful before moving forward, to get figures for a session only position, and what the cost would be for a different configuration of the positions. Mr. Clair wanted to provide the Legislative Council options, including a way to use existing resources throughout Legislative offices that could staff the kiosks at down times, and believed there was a way to do that. The Council asked him to prepare that information. Rep. Colwell said the use of volunteers, internships, etc. for positions had also been mentioned.

The next request was for a full-time position during the 1st Regular Session by the Office of Fiscal and Program Review. The Office of Policy and Legal Analysis had requested the same type of position, and a similar position for the Revisor's Office, except the Revisor's request was for both the 1st and 2nd Sessions. Sen. Treat requested information on overtime hours, how much staff comp time had accumulated in the 3 difference offices.

Rep. Colwell asked Mr. Clair to clarify what had been done in the Part I Budget for the Senate. He said the amendments in LD 300 would be a reduction in the fully funded level starting in FY 03 to the 120th Senate, the 3 positions that were created as part of the power sharing agreement. The funding goes away at the end of the 120th Legislature. Rep. Colwell asked if the amount was approximately \$125,000 and if the Council had voted and agreed on that. Mr. Clair said yes it had been and endorsed in the Appropriation Committee. It was asked why it was back to the Legislative Council and Mr. Clair said the whole budget process started in October, the above was a request that came in at that time. He didn't think that the 120th Senate had focused on this "old" request yet. Rep. Colwell confirmed they were additional positions, so is not the same thing as what was now funded in the Part 1 additional information was needed on the increased Senate staff request.

Miscellaneous studies were the next item. Mr. Clair explained that the Joint Rules called for a special account to be established for studies, and Council members may recall there was an account called miscellaneous studies but it was not for the purpose for which the Joint Rules called. For whatever number of studies the Council will authorize later, they had never identified an amount of money for what Study Commissions or Select Committees might do. The way the studies had happened in the past, either the Legislative budget was able absorb what the study cost was, or the Appropriations Committee would reserve a sum, \$50,000 or \$75,000 from the whole Appropriations' Table process, and leadership would divide that among the studies. The Joint Rules say there should be a specifically designated account for studies and this would do that. It would fund 17 studies each year at an average cost of \$5,000 per year, the average cost for an interim study. Rep. Colwell said the distinction is it would be a line item in the legislative budget, which is the requirement not being met currently. The amount budgeted presently for studies are for ongoing studies, not for the interim studies.

Mr. Clair continued to the Law and Legislative Reference Library request. The Image Newspaper Clippings would be a way to access and enter the clippings they now do by hand, electronically. The second item is new shelving for the Hallowell Annex. He could not find in the budget the money for the Law Library or shelving. If the money was to come out of the Library's budget, it was not there. If it was to come from the renovations budget, it was not in that either this. Requested monies to pay for the lease of the facility at 161 Capital Street and the shelving. Rep. Norbert asked for an explanation on the move of the Library, and Mr. Clair said a moving contract had been bid that will move the Law Library out on June 22, 23 and 24, 2001 to 161 Capital Street. The nature of the Library in the renovations is everything will be gutted, new windows, electrical system, data supply, phone lines, and shoring work. The space needs to be vacated for 6 months, and then moved back into in December. Rep. Norbert asked how consumers are being informed. Lynn Randall said they had already put signs up in the Library, plan to use their Website and as soon the plans are definite, they will begin notifying publications.

Rep. Bruno asked the status with the Appropriations Committee regarding moving the Law Library to the Maine State Library. Mr. Clair said he knew they organized a 3 person subcommittee, but did not believe they had met yet.

If any members of the Legislative Council were interested in a tour of the space at the Hallowell Annex or the rental space at 161 Capitol Street, Mr. Clair would have the van available for them to do that.

Mr. Clair said he had just received word from the Secretary of the Senate, Joy O'Brien, that the Senate Part 2 requests could be deleted.

No Council action taken.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

The Council meeting was adjourned at 2:27 p.m. on the motion of Rep. Norbert, second by Sen. Daggett